Exhibit D

1   UNITED STATES DISTRICT COURT

2   NORTHERN DISTRICT OF CALIFORNIA

3   SAN FRANCISCO DIVISION

4

5   ORACLE AMERICA, INC.,)

6   Plaintiff,   )

7   vs.   ) No. CV 10-03561 WHA

8   GOOGLE, INC.,   )

9   Defendant.   )

10   _____)

11

12   HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

13

14   VIDEO DEPOSITION OF WILLIAM S. RUTLEDGE III

15   Palo Alto, CA

16   Wednesday, December 9, 2015

17   Volume I

18

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21   Reported by: SUSAN F. MAGEE, RPR, CCRR, CLR

22   CSR No. 11661

23

24   Job No. 2196290

25   Pages 1-152

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1 approach to managing the team over time.
2   Q. But at least in 2010, you were identifying
3 specific advocates based on the platforms that they
4 were targeting; right?
5   MR. BAYLEY: Objection. Form.
6   THE WITNESS: Sorry. Can you say that
7 again.
8   MS. CARIDIS: Yeah. Bad question.
9   BY MS. CARIDIS: Q. At least in 2010 you
10 were assigning specific advocates to accounts based
11 on the language those accounts were using; right?
12   MR. BAYLEY: Objection to form.
13   THE WITNESS: No, not necessarily. We were
14 assigning people to accounts based on the ability to
15 get work done.
16   BY MS. CARIDIS: Q. Except as we already
17 discussed in this exhibit, those advocates are split
18 based on Java and C++.
19   MR. BAYLEY: Objection to form.
20   THE WITNESS: They're split as you see the
21 document by games and nongames. And at that time a
22 lot of the games developers were exploring C++.
23   BY MS. CARIDIS: Q. So then is it fair to
24 say in 2010 the only two verticals as you described
25 were games versus nongames?

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1   A. Yes, that's correct.
2   MS. CARIDIS: What is the difference
3 between a developer and a partner?
4   MR. BAYLEY: Objection to form.
5   THE WITNESS: I suppose it depends on the
6 context.
7   BY MS. CARIDIS: Q. Are you familiar with
8 the term "partner" in your day-to-day work at
9 Google?
10   A. I am.
11   Q. And what's your understanding of that term?
12   A. We describe a partner as a company.
13 Usually a company that's building a software
14 application.
15   Q. So in that context, what's the difference
16 between a developer and a partner?
17   A. A partner would be an entity, a business
18 entity like a company which could have many
19 developers within building a product. So developer
20 would be synonymous with engineer.
21   Q. So in the 2008 to 2010 time frame, were you
22 looking to establish relationships with partners who
23 would then develop applications for the Android
24 platform?
25   A. Yes.

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1   MR. BAYLEY: Objection. Form.
2   Sorry.
3   THE WITNESS: Sorry.
4   BY MS. CARIDIS: Q. So is it fair to say
5 that your team was responsible not only for
6 educating individual developers but also for
7 attracting partner relationships?
8   MR. BAYLEY: Same. Objection, form.
9   THE WITNESS: I think my team was more
10 responsible for explaining the technical merits of
11 the platform and technically how to build
12 applications. Not the business development side.
13   BY MS. CARIDIS: Q. So would the business
14 development team bring your team in when they were
15 trying to establish relationships in order to
16 explain the technical side?
17   MR. BAYLEY: Objection to form.
18   THE WITNESS: Occasionally.
19   BY MS. CARIDIS: Q. But occasionally also
20 you -- is it fair to say that your team performed
21 outreach outside of the business development team?
22   A. No.
23   Q. So if you occasionally were brought in by
24 the business development team, when -- what other
25 ways would you be trying to establish relationships

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1 with developers and partners?
2   A. Sorry. I think you've confused me just a
3 little bit. Can you maybe re-ask the question?
4   Q. Sure. So I started out by saying would the
5 business development team bring your team in in
6 order to explain the technical side of things to a
7 potential partner, and I believe you said
8 sometimes --
9   A. Yes.
10   Q. -- yes.
11   A. Yes. Occasionally, yes.
12   Q. And then I asked would there ever be an
13 occasion for you to do your own outreach to
14 potential partners outside of any context within the
15 business development team?
16   A. No. We relied on the business development
17 team to establish the partner platform.
18   Q. Okay. So they did the business side, and
19 you came in afterwards to talk about the technical
20 stuff?
21   A. Correct, yes.
22   Q. Okay. Was experience with the Java
23 platform ever a criteria to your knowledge for
24 selecting a partner?
25   MR. BAYLEY: Objection to form.

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10 (Pages 34 - 37)

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1 since 2010?
2   A. That's a very broad question. I'm sure,
3 yes, we've changed since 2010.
4   Q. So earlier we were talking about technical
5 documents, working with named partners, scalable
6 means and putting on speakers just in those broad
7 category of types of work that you do.
8   Have the -- has the advocate developer
9 relationship role changed over time?
10   A. The developer advocate position within
11 developer relations has changed over time, yes.
12   Q. And how has it changed?
13   A. We have -- since 2008-2009, we've split the
14 developer advocate role into two what we call lens
15 which have different sets of key responsibilities to
16 measure performance.
17   For one lens it's more focused on the
18 higher-touch partner engagements. The other lens is
19 about being a good communicator in public, speaking
20 ability and communication skills on top of technical
21 capability.
22   Q. So one group of developer advocates is
23 better at going out and talking to partners, and
24 another group is more focused on larger engagements
25 to big audiences? Is that roughly accurate?

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1   A. We use the two different lenses of the job
2 family to measure someone's performance towards
3 those two capabilities, yes.
4   Q. Does the developer relationship team still
5 work on technical documents working with named
6 partners and engaging in speaking opportunities and
7 scalable means today?
8   A. Yes. We perform those functions today.
9   Q. Do you perform any additional functions
10 today that we haven't discussed?
11   A. I'm thinking. Those are the core things.
12   There's one additional team that's fairly
13 new that we added on, say -- I would say maybe a
14 year and a half ago, 2013, that builds native
15 libraries for games developers. So C++ libraries.
16   Q. Do you know when Google first made Android
17 market available to users?
18   A. I'm not sure of the exact date. It was
19 early on. Android market was the name or the brand
20 of our first application store for the Android
21 platform.
22   Q. Does mid-2008 sound reasonable?
23   A. Yes, mid-2008 seems reasonable.
24   Q. In the beginning of the Android market, do
25 you have a sense as to how many applications were

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1 available on -- in the marketplace?
2   MR. BAYLEY: Objection to form.
3   THE WITNESS: In the beginning of Android
4 market, assuming 2008 time frame?
5   BY MS. CARIDIS: Q. Yes.
6   A. I'm not sure. Very low number. Hundreds
7 of apps.
8   Q. And was part of your job as -- in the
9 DevRel group to encourage developers to grow that
10 number?
11   A. My role within the Android developer
12 relations team did include an objective to increase
13 the volume of applications in Android market, yes.
14   Q. And do you know why it was -- strike that.
15   Do you know why you had an objective to
16 increase the volume of applications in the Android
17 market?
18   A. My understanding of why we would want to
19 increase the volume of apps in the Android market is
20 to increase market share of devices by having
21 compelling content for those devices.
22   Q. So basically more apps meant more handset
23 sales; right?
24   MR. BAYLEY: Object. Sorry. Objection.
25 Form.

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1   THE WITNESS: Along those lines, yes.
2   BY MS. CARIDIS: Q. So in the, you know,
3 2008 to 2009 time frame, can you describe how you
4 went about achieving the objective of increasing the
5 volume of applications in the Android market?
6   A. I can. It's things that we've already
7 talked about. Partnering with the business
8 development team to identify key titles that would
9 have the most impact on the consumer ecosystem and
10 then providing the technical training to their
11 engineering staff on how to build a quality
12 application to be distributed into Android market.
13   Q. At that time were certain existing
14 applications easier to bring into the Android
15 platform than others?
16   MR. BAYLEY: Objection to form.
17   THE WITNESS: No. Actually we had quite a
18 hard time getting any interest of any application
19 developer to go for Android.
20   BY MS. CARIDIS: Q. And why do you think
21 that is?
22   A. Primarily the size of the device ecosystem.
23 We had no market share.
24   Q. So it's fair to say that you faced an
25 uphill battle getting developers to write software

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20 (Pages 74 - 77)